

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 18th day of August, 2008 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Bill Haines, Assistant Police Chief/Harbormaster
Gilbert Ritz, Fire Chief
Frank Truitt, City Inspector
Don Brummett Acting Public Works Director

OTHERS PRESENT: Belinda Ritz, Jeanie Brummett, Ralph & Lu Arcemont, Marysue Eulitz, Mr. & Mrs. E.P. Redmond, Cooper Boddy, Jerry Brundrett, Donna Johnson/Grantworks, Nancy Vasquez-Perez/Tax Attorney, Tom Morse, Ann P. Melton, Matt Perry, Rosemary Vega/Chamber of Commerce, Joan Snodgrass, Eva Young, Phil & Nell Reynolds, Jennifer Thomas, Nancy Allen, Tray Bates, Virginia Bufkin

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on August 18, 2008.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSENT AGENDA: *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

A. Approval of minutes of August 4, 2008 and Budget Workshop August 6, 2008.

Councilmember Mayer made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. PUBLIC HEARING REGARDING THE 2009-2010 TEXAS COMMUNITY DEVELOPMENT BLOCK (TCDB) GRANT PROGRAM.

Donna Johnson with Grantworks opened the Public Hearing at 7:07 p.m. Ms. Johnson stated the public hearing was a requirement to be eligible for a TCDB grant.

The City Manager stated the City would apply for the grant for the renovation of Blossom Lift Station. He stated another grant was needed for a study on the City’s infrastructure which was in terrible shape.

Mayor Knight asked was there any comment or question from the public or Council Members. Hearing none Mayor Knight closed the public hearing at 7:09 p.m.

ITEM 5. CONSIDER AND ACT ON RESOLUTION 2008-603 - A RESOLUTION OF THE CITY

OF ARANSAS PASS, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Mayor Pro Tempore Attaway made the motion to approve Resolution 2008-603 - a Resolution of the City of Aransas Pass, Texas, Authorizing the submission of a Texas Community Development Block Grant Application to the Office of Rural Community Affairs for the Community Development Fund; and Authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the participation in the Texas Community Development Block Grant Program. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 6. DISCUSSION REGARDING WASTEWATER BAR SCREEN AND GRANT OPPORTUNITIES WITH JOHN MICHAELS OF NAISMITH ENGINEERING, INC.

The City Manager stated purchase of an automatic bar screen for the Wastewater Treatment Plant (WWTP) was in the budget for \$244,000.00. He stated a second look at the need for the automatic bar screen was needed, so he had contacted Naismith Engineering to assess the need for it.

John Michaels with Naismith Engineering stated the WWTP did not need the automatic bar screen. He stated it was nice to have but the cost was \$250,000.00. He stated the automatic bar screen at the WWTP had not worked since 2002. He explained the replacement of the automatic bar screen to the present manual bar screen. He stated there are many WWTP's that use manual bar screens.

Mr. Michaels stated the Water Development Board had a number of programs that would assist with first time sanitary sewer tie-ins. He stated the City may be able to get the money for the bar screen from the Water Development Board with first time sanitary sewer tie-ins. He stated the City might qualify for a "Planned Capacity Building Fund Grant" but there might be an issue with moderate-to-low income percentages in the City. He stated he could check with ORCA to see if the City would qualify. He stated the grant was a \$50,000.00 planning study with \$40,000.00 from the grant and \$10,000.00 local match from the City. He stated the City's utility service maps were old and outdated and need to be updated with digital maps.

Mr. Michaels gave a summary of the Fulman Addition area water service expansion and stated sanitary sewer would be more difficult to extend, being more expensive than extending water service. He explained ORCA did not have a suitable grant available, but the Rural Development Association (RDA) and Economic Distressed Areas Program (EDAP) would have grants the City might qualify for to get sewer to the Fulman Addition.

Discussion followed regarding grants and projects.

ITEM 7. PRESENTATION OF PROGRESS REPORT ON DELINQUENT TAX COLLECTIONS BY LINEBARGER GOGGAN BLAIR & SAMPSON TAX ATTORNEYS.

Nancy Vasquez-Perez with Linebarger Goggan Blair & Sampson distributed their report on delinquent tax collection from July 4, 2002 through June 30, 2008 to the Council and gave the Council a summary of their activities and achievements in delinquent tax collections.

Discussion followed regarding the Tax Attorney's methods and efforts in collection of delinquent taxes for the City including publishing names of delinquent taxpayers in the local newspaper and the Tax Attorney's criteria for collecting delinquent taxes.

ITEM 8. CONSIDER AND ACT ON APPROVAL OF A CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES.

Council Member Mayer made the motion to approve a contract for the collection of delinquent taxes with Linebarger Goggan Blair & Sampson. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. DISCUSSION REGARDING REQUEST OF COOPER BOODY TO CLOSE AND VACATE CERTAIN PORTIONS OF OCEAN DRIVE AND INTERSECTING STREETS LYING EAST OF PELICAN COVE SUBDIVISION NOT PREVIOUSLY VACATED BY THE CITY OF ARANSAS PASS.

Jerry Brundrett with Griffith & Brundrett Surveyors stated Mr. Boddy purchased Tracts C and D and had Mr. Brundrett's company survey the property. He stated he could not find that Ocean Drive had been vacated (by the City) in that area. He stated Mr. Boddy

was putting together some development plans for construction along the seawall and was asking the City to vacate portions of Ocean Drive and portions of Stoddard St. and Greenwood Ave. (adjacent to his property).

Council Member Hametner stated he did not think the City had any intention of vacating any of those streets, that the City might declare it excess or surplus property and consider selling the property.

Mr. Brundrett explained the location of Ocean Drive as it was platted in the late 1800's.

City Attorney Allen Lawrence asked did Mr. Boddy own all the adjacent properties (to the unvacated portions of Ocean Drive)?

Mr. Brundrett stated yes.

The City Attorney stated with Mr. Boddy being to owner of the adjoining property, the Council could sell the property to Mr. Boddy, however there were certain notice requirements and determining the fair market value.

Mr. Boddy stated his plans were to do some bulkheading, removing the abandoned pilings, and build 14 condominiums (1,600 to 2,300 square feet) on the seawall with a double boardwalk.

After discussion, Mayor Knight stated the item would go on the next agenda.

ITEM 10. PUBLIC HEARING ON THE REQUEST OF IMPORT AUTO/AHMAD FARHNAKIAN TO RENEW A CONDITIONAL USE PERMIT FOR USED CAR SALES AT 161 N. COMMERCIAL, LOTS 1-4, BLOCK 547, ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED GENERAL BUSINESS (GB).

The City Attorney declared the Public Hearing open at 8:50 p.m. on the request of Import Auto/Ahmad Farhnakian to renew a Conditional Use Permit for Used Car Sales at 161 N. Commercial, Lots 1-4, Block 547, Aransas Pass, Texas. The property is zoned General Business (GB).

The City Attorney stated the Planning and Zoning Commission had met on this matter and had recommended approval of a perpetual Conditional Use Permit. The City Attorney asked if there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 8:51 p.m.

ITEM 11. CONSIDER AND ACT ON THE REQUEST OF IMPORT AUTO/AHMAD FARHNAKIAN TO RENEW A CONDITIONAL USE PERMIT FOR USED CAR SALES AT 161 N. COMMERCIAL, LOTS 1-4, BLOCK 547, ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED GENERAL BUSINESS (GB).

After discussion, Council Member Mayer made the motion to approve the request of Import Auto/Ahmad Farhnakian for a perpetual Conditional Use Permit for Used Car Sales at 161 N. Commercial, Lots 1-4, Block 547, Aransas Pass, Texas. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 12. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION COMPANY'S PAYMENT APPLICATION NO. 7 FOR \$238,594.37 (CIVIC CENTER).

Mayor Pro Tempore Attaway made the motion to approve Teal Construction Company's Payment Application No. 7 for \$238,594.37. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON APPROVING ORDINANCE 2008-3943, AUTHORIZING A TAX ON ALL TELECOMMUNICATION SERVICES SOLD WITHIN THE CITY OF ARANSAS PASS; PROVIDING FOR AN EFFECTIVE DATE, AND PROVIDING FOR NOTICE TO THE STATE COMPTROLLER.

The City Manager stated this was a 1% tax on telecommunication services that was a broad based tax that had been passed by most Texas cities. He stated it could be used in the General Fund.

After discussion, Council Member Mayer made the motion to approve Ordinance 2008-3493 authorizing a tax on all telecommunication services sold within the City of Aransas Pass, providing for an effective date, and providing for notice to the State Comptroller. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 14. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS: *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of*

these items at this time. Comments will be limited to 3 minutes each.

The City Manager announced the move of City Hall to temporary offices at 820 W. Wheeler until the renovation and addition to City Hall were completed.

ITEM 15. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 8:00 p.m.

- A. Section 551.072 Deliberations regarding Real Property
- B. Section 551.074 Personnel Matters – Fire Chief

ITEM 16. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Open Session at 9:00 p.m.

- A Section 551.072 Real Property

Mayor Knight stated the Council had discussed the LWR property and airport property.

Council Member Hametner made the motion to authorize the City Manager to proceed with preparations to market the LWR property and the airport property. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

- B. Section 551.074 Personnel Matters – Fire Chief

Mayor Pro Tempore Attaway made the motion to authorize the City Manager to designate the person of his choice to form an entirely new Volunteer Fire Department and make the Volunteer Fire Department autonomous from the paid Fire Department. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 17. ADJOURNMENT OF MEETING.

Mayor Pro Tempore Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 9:04 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary